

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
HENRY TUCKER, :
:
Plaintiff, :
: 19-CV-10344 (VSB)
-against- :
: **ORDER**
REEBOK INTERNATIONAL LTD., :
:
Defendant. :
:
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VERNON S. BRODERICK, United States District Judge:

On June 24, 2022, after this case was reassigned to me, I ordered the parties to file a status update regarding the impact of *Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68 (2d Cir. 2022) on this action. (Doc. 19.) On June 29, 2022, Plaintiff filed a status update requesting that I grant leave for Plaintiff to file an amended complaint within thirty (30) days. (Doc. 20.) Defendant requested that, if I grant Plaintiff leave to file an amended complaint, that Defendant be permitted to file a motion to dismiss within thirty (30) days. (*Id.*) I granted both those requests. (Doc. 21.) Plaintiff, however, failed to meet that deadline. On September 1, 2022, I ordered the parties to submit a status update informing me how they intend to proceed and whether any judicial relief is requested, and also warned the parties that failure to file a status update by the deadline will result in dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 22.) The deadline has passed, and the parties have not submitted a status update. Accordingly, it is hereby:

ORDERED that this case be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: September 7, 2022
New York, New York



Vernon S. Broderick
United States District Judge